



## ECONOMIC REFORM AND GOVERNANCE

### LEGAL ACCOUNTABILITY AND DISPUTE RESOLUTION (LADR) PROJECT

#### GOAL

To promote rule of law by creating an enabling environment for judicial reform and improving access to justice.

#### OBJECTIVES

**LADR** is being implemented by The Asia Foundation (TAF) with funding from USAID to support the reform agenda of Chief Justice Hilario Davide, Jr. and the Philippine Supreme Court. LADR has the following objectives:

- To institutionalize alternative dispute resolution (ADR) processes as a means of decongesting court dockets and improving the efficiency of the courts;
- To ensure judicial transparency and accountability;
- To build a constituency for reform, including “consumers” and allies from both inside and outside the judiciary such as judges, law faculty, the legal profession, civil society and the business sector;
- To strengthen public information and access to justice.

#### More Info:

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keywords : LADR, judicial reforms

#### BACKGROUND/HISTORY



The Philippine Judiciary has a very strong constitutional infrastructure but it suffers from dysfunctions in its external and internal environment that seriously affects its independence, competence, effectiveness and efficiency. These dysfunctions also diminish the judiciary's

accessibility to the poor and marginalized sectors of society. As of June 2004, the backlog of the courts at all levels exceeded 815,000 cases. An average court case takes several years to be decided and almost one-third of available judgeship positions remain unoccupied. There is also widespread perception of corruption in the judiciary.

Thus, for the past five years, the Judiciary has embarked on a reform movement called the Davide Watch (after Chief Justice Hilario Davide, Jr.) that aims to: 1) deliver speedy and fair dispensation of justice to all; 2) promote judicial autonomy and independence from political interference; 3) improve access to judicial and legal services; 4) improve the quality of external inputs to the judiciary; 5) improve the efficiency and effectiveness of judicial institutions; and 6) achieve a more transparent and accountable judiciary. These reforms are laid out in detail in the Action Program for Judicial Reform.

The implementation of these reforms has generated goodwill from all sectors of society and from the international donor community including USAID.

Several landmark reforms established over the past five years originated from activities supported by the LADR project, a USAID-funded program of TAF. Court-annexed mediation, which has effectively settled thousand of cases pending in the court system, is a banner program under LADR. Other activities include Social Weather Stations surveys on the judiciary and the legal profession and other studies, the production of training videos for judges and court personnel, dialogues between the Supreme Court and representatives of local and foreign businesses, popularization of the Muslim Code of Personal Laws, and a successful program to decongest jails by working for the release of overstaying prisoners.



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### PROJECT ACTIVITIES

LADR has the following project activities:

**Promoting ADR processes within and outside the formal judicial system** -- this includes the nationwide expansion of court-annexed mediation including the training of more mediators, the introduction of mediation in the Court of Appeals and the Department of Justice, the development of e mediation curriculum and training materials, and the promotion of mediation in the business sector via partnerships with leading business organizations and industry associations.

**Ensuring judicial transparency and accountability** -- this includes the funding and presentation of a Social Weather Stations survey on the judiciary and the legal profession, support of the E-learning initiative of the Philippine Judicial Academy (PHILJA), support training and the production of training materials in such areas as judicial writing and modes of discovery and deposition, a judicial apprenticeship pilot program involving four law schools in Metro Manila, and the conduct of avenues for interaction between the Supreme Court and civil society.

**Building a constituency for judicial reforms** --interventions include the conduct of dialogues between the judiciary and the foreign and domestic business sector, the launching of a citizen's feedback mechanism in the judiciary, and the strengthening of judiciary-media relations.

**Strengthening public information and access to justice** -- this includes efforts to release overstaying prisoners initially in Manila and Pasay, and the expansion of this activity to other regions of the country, support of studies relevant to improving access to and the effective delivery of justice, and the popularization of the Muslim Code of Personal Laws.

### ACHIEVEMENTS

LADR accomplishments include the following:

- LADR assisted Filipino partners who contributed to the passage of the Alternative Dispute Resolution Act of 2004.
- Trained more than 600 mediators connected with court-annexed mediation, the Court of Appeals and the Department of Justice.
- In 2004 alone, more than 20,000 cases in the lower courts were referred to mediation under the court-annexed mediation program. Of the 7,600 cases that have already completed the mediation process, 82% or more than 6,200 cases were successfully settled.
- Gained the commitment of 9 leading business organizations to mediate rather than litigate. In this connection LADR trained more than 100 business mediators and helped establish Business ADR Units in Metro Manila, Southern Luzon, Cebu and Davao City.
- In a few months of operation, business mediators have mediated 120 cases with a success rate of 89% (i.e. 107 cases were settled).
- More than 1,200 overstaying prisoners from the Manila and Pasay City jails have been released. An overstaying prisoner is one who has already served his/her sentence but remains in jail because the paperwork for his/her release has not been completed or one, who while awaiting the resolution of his/her case, has already stayed in jail longer than the imposable penalty if he/she was eventually found guilty.
- LADR has also provide the Supreme Court of the Philippines with valuable input and feedback as it continues its efforts to reform from various sectors of society through the organization of dialogues with various chambers of commerce and civil society organizations.

### PROJECT MANAGEMENT

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